

SN. 10/648,692

ATTORNEY DOCKET NO. YAMA:036

REMARKS

Claims 1-20 are now pending in this application for which applicant seeks reconsideration.

Amendment

Claims 17 and 18 have been amended to more clearly define the present invention. Specifically, these claims now call for extracting notes meeting a predetermined condition from the read-out tone reproducing digital data and performing the change process on the extracted notes. New claims 19 and 20 have been added to further define the invention. Support for the new claims can be found at least on pages 40-42, namely in the quantizing process and changing tone color setting description. No new matter has been introduced.

Allowed Claims

Claims 1-16 have been allowed.

Art Rejection

Claims 17 and 18 were rejected under 35 U.S.C. § 102(e) as anticipated by Allen (USP 6,744,891). Applicant submits that claims 17 and 18, as presently amended, define over Allen. Specifically, claims 17 and 18 each call for extracting notes meeting a predetermined condition from the read-out tone reproducing digital data and performing the change process on the extracted notes. Applicant submits that Allen would not have disclosed or taught this feature.

Allen discloses storing partially-degraded, higher quality, and/or undegraded versions of the requested data in a database so that any of these version can be sent to the requester based on the payment information. See the paragraph spanning columns 5-6. Allen also discloses that a partially-degraded version can include clicks or other types of additive noise interspersed throughout the data. See column 8, the second full paragraph. In contrast, claims 17 and 18 call for extracting notes meeting a predetermined condition from the read-out tone reproducing digital data and performing the change process. Allen would not have taught extracting notes, let alone performing the change process on the extracted notes, as set forth in claims 17 and 18.

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Conclusion

Applicant submits that claims 1-20 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS &amp; McDOWELL LLP

06 FEBRUARY 2006

DATE

  
LYLE KIMMS

REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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